UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/825,905 | 04/04/2001 | Geoffrey S. Strongin | 2000.050200 TT3965 | 3699 |

| 23720 | 7590 | 12/19/2005 |
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| TSAI, SHENG JEN |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2186 | |

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| *Advisory Action*<br>*Before the Filing of an Appeal Brief* | Application No.<br>09/825,905 | Applicant(s)<br>STRONGIN ET AL. |
|---|---|---|
| | Examiner<br>Sheng-Jen Tsai | Art Unit<br>2186 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>14 December 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS.</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed ~~amendment~~ *Remarks*(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-24*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>see below.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

The Examiner's response to Applicant's remarks is set forth below.

As for claim 7, it should be noted that the "current memory protection information register" shown in figure 3 of Nozue includes elements 3, 4, 5 and 6, with elements 4, 5 and 6 further denoted as element 17. Element 3 is a "current segment identifier" for storing a segment identifier identifying a segment in which a currently executed instruction is present (column 13, lines 41-50). It should also be noted that a "segment" in Nozue's invention refers to a memory region that is under protection, as shown in figures 19-20 and 45. Thus element 3 in figure 3 indeed defines a memory region in which the privileged (i.e., protected) instruction is resident (i.e., present) while elements 4, 5 and 6 of the "current memory protection information register" shown in figure 3 provides further information about the type of protection such as current transition permission (4), current execution permission (5) and current right permission (6) (column 13, lines 41-50).

As for claim 1, the Applicant contends that the previous Office Action is not specific regarding the recited feature of "selected information." It should be noted that while claim 1 recites "selected information," it is completely silent regarding what is "the selected information." Thus, "the selected information" may be "any information" and is subject to interpretation.

When addressing claim 1, the Examiner interprets "the selected information" as the memory protection information used to support the memory protection scheme, since Nozue's invention is directed toward memory protection schemes. The Examiner refers to figure 45 as "a first table" and the TLB in figure 24A as "a second table" to substantiate that the contents of the first and the second tables correspond to "the selected information" for memory protection.

Applicant also raises the issue of "associates at least a read and write privilege with one or more physical addresses of a memory that houses the selected information." It is noted that the previous Office Action cites figure 24A (i.e., the second table), which illustrates the association of a logical address (311), a physical address (312) and the read/write/execution (rwx, 323) privilege, as the teaching of this feature of claim 1.

Applicant further contends that the previous Office Action is not specific about the "program" that submits request to access the selected information. It is noted that the previous Office Action cites figure 45 as the teaching for this feature, and figure 45 of Nozue clearly shows the association between the "program name" (which user program) and the "region number" (which memory region as defined by the start and end addresses) in supportive of the memory protection scheme.

Therefore, the Examiner's position regarding these claims, and those claims dependent from them, remains the same as stated in the previous Office Action.

**PIERRE BATAILLE**
**PRIMARY EXAMINER**
12\15\05